

**Assembly Insurance Committee
Oversight Hearing
Unemployment Insurance Benefit Delays**

**November 6, 2013
11:00 a.m. to 1:00 p.m.**

In the course of deploying an upgrade to its unemployment insurance benefit payments system, the Employment Development Department (EDD) caused a massive delay in the processing and paying of existing unemployment insurance (UI) claims. These delays were caused by a misjudgment on the part of EDD and its primary contractor on the project (Deloitte Consulting) in the data conversion leading up to deploying the system. EDD significantly underestimated the number of existing claims that would be impacted by so called "stop payment flags" related to prior UI claims (a problem known to both EDD and Deloitte prior to deciding to "go live" with the new system) and how difficult it would be to remedy those problems when the new system was turned on. Tens of thousands of Californians had their benefit payments cut off for weeks with disastrous consequences as documented by the news media and the flood of calls to legislative offices around the state. EDD continues to experience unusually large backlogs and delays throughout its UI program because of the need to redirect resources to resolve the problems created by the deployment of the benefit payments system. The public's concern does not end with better understanding how these errors were made and learning the lessons of these errors. EDD will soon be deploying the second part of this benefit payments system that will provide a web portal for UI claimants to conduct more of their transactions online. This hearing will focus on learning how EDD and Deloitte have prepared for this next step in light of their recent problems, and the problems encountered in a number of other states who have recently activated their web portals.

I. BACKGROUND

Prior Hearings

In February, 2010, the Assembly Insurance Committee held a hearing to address severe operational problems in California's UI program. At the time, EDD had a record of long delays and major cost overruns in its IT modernization efforts, and was compounding the financial stress on unemployed Californians by failing to process UI claims on a timely basis. The combination of a massive increase in the number of unemployed Californians and decades old IT infrastructure combined to create severe operational problems for EDD.

In 2010, EDD's core IT systems were antiquated (some more than 25-years old) and ill equipped to handle the heavy UI claims volume that resulted from the Great Recession. These systems also were obstacles to implementing systems to facilitate communication with claimants and to quickly respond to complex changes in unemployment insurance law (such as the Alternative Base Period or federal benefit extensions). It became difficult to find staff proficient in the antiquated programming language used by these systems because they are written in a computer language (COBOL) which has not been taught or used in decades. These staffing problems slowed programming changes required to adapt to the rapid series of federal UI extensions and other changes in UI law. Since that hearing, EDD has replaced its major IT systems, but continues to experience operational shortcomings.

In March of 2013 the Committee held a hearing to assess EDD's ongoing IT modernization effort. The continuing claims redesign (CCR) project was the last major IT project in EDD's modernization effort at that time. CCR was nearing completion at the time of the March 2013 hearing. The project seeks to update the technological infrastructure for EDD's continuing claims workload, automate much of the work required for EDD to handle certifications, and broaden the number of self-service options for UI claimants. This project is central to EDD's strategy to address ongoing operational problems by shifting more of the UI workload to a "self-service" model where claimants would conduct most UI transactions on the web or on automated voice systems.

Self-Service Model

Faced with massive workloads generated by the rapid rise of unemployment following the 2008 financial crash, EDD chose to emphasize a self-service model reliant on a wholesale modernization of its IT systems as the means to address its operational shortcomings. Early efforts focused on increasing the flexibility and capacity of its call centers, which were followed primarily by upgrades to multiple back-office systems. The Continuing Claims Redesign project was the linchpin of its strategy to emphasize self-service by replacing its entire benefit payment system and creating a web portal that would enable UI claimants to conduct a range of transactions, most notably for receiving the legally mandated, bi-weekly certifications necessary for ongoing benefits, online without direct involvement by UI staff.

The process of bi-weekly certifications (described in greater detail below) is the largest single piece of EDD's UI workload and any gains that could be made in reducing the staff resources required to handle this workload would produce outsized savings in staff time. EDD has processed around 450,000 certifications per month in 2013. Approximately 80% of those certifications are processed by existing computer systems, and the remaining 20% require EDD staff intervention. The number of certifications that can be processed without staff intervention is much greater for the online system (Web-Cert) and automated telephone system (Tele-Cert) channels (around 98%) than for paper based claims (around 88%). By shifting more certifications to automated channels that minimize or eliminate errors in the claim certification process, EDD hopes to free up resources to provide an increased level of service to claimants who require direct staff intervention.

The opportunity for these efficiencies is great. Nearly 70% of all certifications are submitted on a paper form, approximately 20% are received through the current Web-Cert system, and approximately 10% through the Tele-Cert system. If EDD could get online certifications in comparable quantity to paper certifications (around 45% for each), it would significantly reduce the number of problem certifications requiring staff intervention. Over 6% of the incoming paper certifications are completed incorrectly and require certification forms to be reissued and completed correctly before processing. An additional 20% of paper certifications are "exceptions" that require manual process (and frequently a follow-up determination interview by EDD staff). When activated, the new online system is supposed to contain business rules that will eliminate many of these exceptions by prompting the claimant for clarifying information that can eliminate the exception. The principal benefit of this to EDD would be reducing the hopeless logjam at EDD's call centers (claimants would gain from timely payment of benefits and fewer hassles with the UI system). Typically, callers have a 3-5% chance to get their call answered in a call center and a great many of those calls are related to certification issues.

In order to realize the benefits of this strategy, EDD has to accomplish two major goals. First, it must successfully build and deploy CCR. Second, it must change claimant behavior to favor use of the new online systems for the majority of certifications.

Continuing Claims Redesign Project Summary

The objective of the CCR project is to modernize continued claims processing in the UI program by providing:

- A web application for both EDD staff and UI claimants
- Electronic submission of UI continued claims information (replacing manual, paper-based process)
- Embedded business rules and workflow features to enable claimants reduce errors
- Claimants the ability to reopen their claim on the web without having to call EDD
- A platform to be used by EDD to migrate its remaining legacy programs.

EDD has been working on varying forms of this project off and on for many years. Because of linkage between CCR and the Single Client Database (SCDB) project, the department deferred CCR until the SCDB project was completed. The contract was awarded for the most recent iteration of the CCR project in February 2010.

Overview of UI and Certifications

California's UI program provides weekly benefits to individuals who are unemployed through no fault of their own. Unemployment insurance was established under the federal Social Security Act of 1935 and is administered by the individual states which are given broad discretion to determine program policy (including setting tax and benefit levels).

The UI program is financed by unemployment tax contributions paid by employers for each covered worker. Each state selects both a taxable wage base (\$7,000 in California) and the tax rates (up to 6.2% in California) to be applied to the taxable wage base. Tax rates typically vary as a function of both the status of the state's UI trust fund and the individual employer's history of layoffs. Generally, California provides weekly benefits equal to 50 percent of a claimant's average weekly earnings (with a cap of \$450 per week) during the quarter of highest earnings in the prior twelve months. The average weekly benefit amount in 2012 for California claimants was \$295. The maximum duration of benefits in California is 26 weeks, but the average duration of claims was approximately 18 weeks in 2012. Claimants must submit a certification that they are able to work and are actively seeking work every two weeks to continue to receive UI benefits. Generally claimants can submit their certification three ways:

- Mail in a paper certification form provided to them by EDD.
- Use the TeleCert program to certify by telephone.
- Use the existing WebCert program.

If a claimant fails to certify or makes a mistake in the certification process, their benefits are halted until the issue is resolved. Resolving the problem frequently requires contacting EDD directly through their call centers. Claimants have extreme difficulty reaching EDD through the call center due to reductions in the UI administrative budget. EDD has reduced its UI staff by over 1100 employees from its peak

staffing during the recession to match its staffing to the funding provided through its federal administrative grant, and call center hours have been reduced in recent months (they are open from 8 a.m. to 12 p.m., Monday through Friday).

The certification form requires the claimant to respond to several questions including:

- Were you too sick or injured to work?
- Was there any reason (other than sickness or injury) that you could not have accepted full time work each workday?
- Did you look for work?
- Did you refuse any work?
- Did you begin attending any kind of school or training?
- Did you work or earn any money?

II. CCR IMPLEMENTATION

Timeline

On September 2, 2013 EDD implemented a new UI payment processing system as part of the CCR project. This new system replaced a 30-year old legacy system that was used to process certifications for benefits. Certifications of eligibility are required from claimants every two weeks in order to continue to receive payments. The new system was designed to automatically review certifications for eligibility and forward eligible certifications for payment without the need for staff intervention. In order to implement the new payment system, a significant amount of UI program data had to be transferred from the existing database to the new payment system. Several years of benefit claims data were downloaded into the new payment system since some program functions or actions (e.g., benefit audits) occur well after the claim had expired. The data transfer resulted in 1.2 billion UI records and 6 million UI claims being transferred into the new payment system. Approximately 3.5 million claimants had their UI claim records transferred to the new system.

Whenever data is transferred into a new system and stored in a new database, the data will go through a conversion process so that it can be used by the new computer system. It is very common for issues to arise when converting data, especially large amounts of data that was previously used in a 30-year old system. Specifically, the UI program uses "stop pay" flags to prevent benefit payments until an eligibility issue is addressed. When the September 2 data conversion process occurred, stop pay flags on many older claims prevented payment on current claims. EDD and Deloitte were both aware that this issue would come up during the data conversion process, but they significantly underestimated the number of affected claims as well as the difficulty of fixing those claims. That misjudgment resulted in tens of thousands of people who had been receiving their UI benefits having those benefits stopped for nearly a month. That delay in paying benefits had horrible consequences for those who depend on UI benefits to keep a roof over their heads and food on their table. According to EDD, approximately 101,000 claimants affected by the data conversion problem experienced a delay in payments. EDD issued payments on those claims in the ensuing weeks with the last claims being paid on October 2. However, to accomplish this, EDD had to shift resources away from other UI functions and has fallen behind in the performance of those other UI functions.

EDD has experienced two other problems related to deploying the new payment system:

- When the payment system was deployed communication with a related system that is responsible for the mailing of certification forms failed. According to EDD, the new payment system was sending many, **but not all**, claims needing certification forms mailed to the system that prints and mails those forms. This caused approximately 110,000 claimants to experience payment delays of approximately one and a half weeks. Deloitte and EDD have developed an interim solution, but are still working to fully diagnose the problem and implement a permanent fix.
- Claimants who switch between different methods (paper form, Tele-Cert, Web-Cert) to certify their claims have their payments delayed. According to EDD, after the new system was launched the Tele-Cert and Web-Cert systems were not being updated when the claimants used a different certification channel than they used for their last certification. For example, if a claimant previously certified by submitting the paper form and now attempts to use Tele-Cert or Web-Cert, the claimant will not be able to receive their benefits in subsequent weeks. This effectively prevents claimants from switching to (or between) the automated systems. EDD does not have an estimate at this time of the number of claimants who have experienced delays due to this problem.

It appears likely that the first problem of failing to send paper certification forms led some claimants to attempt to certify using the Web-Cert or Tele-Cert systems which led them to the second problem where switching certification channels stops their benefits in subsequent weeks.

EDD reports that since launch, the system is processing more than 80% of all certifications on the same day they are received.

EDD Responses

A directive from the Labor Agency issued on September 24, 2013 to pay benefits prior to final determination of eligibility for most claimants was implemented and EDD reported the following results:

- Approximately 81,000 claimants were issued a payment posted to their EDD Debit Cards between, Thursday, September 26 and Wednesday, October 2.
- The EDD estimates the majority of these payments will ultimately meet eligibility requirements. All recipients are being notified within the week that if they are later found ineligible for a payment received, EDD will work to collect the overpayment.
- Approximately 20,000 claimants did not legally qualify for payments per the guidelines of the USDOL directive. These claimants would not have received payments, regardless of the temporary backlog. They either had to serve a penalty like that associated with providing false claim information, or EDD already had eligibility information collected to require making an eligibility determination first and the person was found ineligible. These claimants will receive notices confirming these results.

In addition to the directive issued by the Secretary of the Labor and Workforce Agency, EDD reports it has taken the following actions in response to the payment delays:

- Worked Additional Overtime – Prior to the new UI payment system, EDD worked overtime on a regular basis to maintain service levels due to understaffing. However, once some of the payments were delayed due to a data conversion issue, EDD’s UI program extended its overtime to both Saturday and Sunday, as well as before and after normal work hours.
- Extended Data Center Hours – The data center which oversees the UI programs database keeps it operational for production work from 6:00 a.m. to 6:00 p.m. The EDD requested that the data center keep the database operational from 5:00 a.m. to 8:00 p.m. to allow for the claims worked on overtime to be processed.
- Redirecting Employees – EDD has redirected employees who perform services in other programs to assist the UI program in completing the more routine functions that do not require fully trained UI staff. The redirected staff are working overtime to assist processing the continued claims.

Deploying the Public Portion of CCR

Many states have, like California, been in the process of updating badly antiquated computer systems in their UI programs. A number of systems have been deployed in recent months and experienced major problems.

Florida recently deployed a new online UI system developed by Deloitte. Florida newspapers have reported glitches in the deployment including the website not recognizing social security numbers and PIN codes required to log into the site.

Massachusetts deployed a new online UI system developed by Deloitte in July, and Boston newspapers have reported numerous problems including delayed payments, data conversion issues, erroneous overpayment allegations, and garnishment of benefits.

Nevada recently deployed a new online UI system developed by Capgemini and Nevada media have reported problems encountered by claimants with the new system. The reported problems centered around claimants creating and accessing their accounts in the new system and difficulties created by security measures added to the account creation process.

New Mexico deployed a new UI computer system developed by Deloitte in January of 2013 and a subsequent review of that program found that system had major data conversion problems and that the claimant application process was cumbersome and difficult to use.

It is worth noting that Pennsylvania recently ended their contract with IBM who was developing a new online UI system for the state that was over 3 years behind schedule and 60% over budget. A review of the project by faculty from Carnegie Mellon University found parts of the system so complex as to be untestable and that the testable portions of the system so riddled with defects that it could not be reliably deployed.

These states have all encountered problems when deploying the public side of their new UI systems, and given the recent problems encountered when EDD deployed the internal element of their new benefit payment system, it is reasonable to have concerns regarding the forthcoming deployment of the public facing element of the CCR project. At a minimum, EDD needs to provide for a thorough testing of the new online system that includes input from ordinary claimants and representatives of key stakeholder groups who routinely assist claimants navigating the UI system. Such testing and feedback can only increase the likelihood of identifying design issues that will prove problematic for claimants.

In 2012 McKinsey & Company published the results of a study of large-scale IT projects in the private sector. That study found that, on average, IT projects costing over \$15 million run 45% over budget and 7% over time. The same study found that 17% of these projects failed so badly that the failure threatened the existence of the company. The State of California has a long record of failures large and small in large-scale IT projects. It is worth noting that in this committee's hearing earlier this year, EDD reported success implementing the Single Client Database project and the new computer system for EDD tax operations. That same hearing covered the significant delays caused by EDD's deployment of a new computer system for the State Disability Insurance program. Beginning in July of this year the SDI program returned to its historical performance level and the program performance level has remained consistent since then.

III. SYSTEM IMPROVEMENTS

In recent months four examples of EDD policies and practices that complicate the lives of claimants and increase workload for EDD have come to the attention of committee staff. These issues have been presented to EDD for a preliminary response and are detailed below.

- A. *Update the Criteria for Scheduling Determinations Due to Untimely Certifications --*
Currently, if a claimant is untimely in submitting a continued claim form, it raises an eligibility issue. Claimants are required to certify for their benefits within 14 days of the end of the two week benefit period. When an eligibility issue arises, it can delay benefits. EDD is considering extending the time frame for submitting their certification form without it being considered late to 21 days to reduce processing and payment delays for some claimants. Late certifications are typically approved for payment and this process simply results in a delay of payment. This change will not result in more claimants receiving benefits, but eliminates unnecessary eligibility determinations that only result in extra staff workload and delayed benefit payments.

- B. *Update the Criteria for Scheduling Determinations Due to Training –* Current EDD policy triggers an eligibility determination when claimants state (on the certification form) that they attend school or training on the certification form. An eligibility determination results in the halting of benefit payments until EDD can schedule an eligibility interview with the claimant to determine if the training results in the claimant being unavailable for work. When attending school and training does not limit availability to full-time work, there is no eligibility issue that requires a determination resulting in a delay of benefits. This policy change will prevent unnecessary eligibility determinations that cause claimants to have their benefits halted for no good reason.

- C. *Improve communications with Claimants* – EDD is consciously implementing IT systems to shift more of UI to a self-service model. In this model claimants and applicants will conduct transactions through websites and automated phone systems. However, this model requires sharing more detailed information with claimants than is commonly provided now so that they can effectively engage in the self-service model. As an example, committee staff received a standard notice mailed to a claimant indicating an error or omission on the claimant's certification form. The notice did not provide any information describing the nature of the error or any indication of what is required to remedy the error. Rather, the notice directed the claimant to call the EDD call center for assistance. As noted above, claimants face daunting odds of reaching someone at a call center.

- D. *Translation of Documents and Websites* – EDD's website posts only a handful of important UI notices that are translated into Spanish, and the new website for handling certifications will be available in Spanish. In contrast, other states with less diverse populations post a broader range of UI notices and information on-line in multiple languages. EDD should post translated notices on-line in multiple languages beyond Spanish for workers and their advocates. In addition, little of the EDD UI website is available in other languages. Again, with the shift to a self-service model, EDD cannot expect claimants with limited English skills to navigate a self-service system without access to information about the system.

The ongoing inability of the EDD call centers to respond to inquiries is perhaps the most frustrating aspect of the UI program for claimants. It has required enormous patience and time on the part of claimants to get help from the call centers for many years under "normal" conditions. When EDD experiences major events or systems problems (as it has in recent weeks) claimant access to the call centers goes from bad to impossible. Call volumes spiked in mid-September from over 300,000 call attempts per week to nearly 6 million call attempts per week. EDD call center data shows that in those peak weeks claimants had to dial in over 40 times (on average) to get through the busy signal and actually connect to the line. In "normal" weeks an average of 5-6 dial-ins were required to connect to the line. Some have suggested that EDD implement a "virtual hold" system. Virtual hold systems allow callers to be put in a queue for a callback from the agency when wait times exceed a set threshold. DMV and CalPERS have received very positive customer responses to their virtual hold systems and CalPERS reports that the system paid for itself in months. Given the chronic inability of the existing call center system to respond adequately to claimant demands, EDD needs to seriously consider any reasonable alternative to improve its primary means of resolving claimant problems.

IV. BUDGET IMPLICATIONS

Federal funding has varied dramatically in recent years due to increased workload and the costs of implementing federal UI extensions. Administration of the UI system is funded by employer paid federal unemployment taxes. Those revenues are then allocated to the states in the form of administrative grants. The amount of those grants is determined by formula, but in practice there are not sufficient funds available to provide states with 100% of the funding levels indicated by the formula, and funding amounts are adjusted down to fit within available revenue.

The tables below show the fluctuation in funding and staffing levels in recent years.

Year	Total Federal Funding	% Change from Prior Year
2007	\$366.2 million	0
2008	\$410.4 million	12%
2009	\$547.1 million	33%
2010	\$645.1 million	18%
2011	\$566.7 million	-12%
2012	\$516.4 million	-8.8%
2013	\$477.4 million	-7.5%

EDD UI staffing peaked during the recession and has been declining since 2010. Total staffing levels have fallen 31% since July of 2010. The number of Employment Program Representatives (EPR), who are the frontline workers in the UI system, has fallen over 33% in that same time frame. Workload in two primary UI functions (initial claims and continued claims) has fallen approximately 30% during that same time period.

Staff Category	Jul 2007	Jul 2008	Jul 2009	Jul 2010	Jul 2011	Jul 2012	Jul 2013	Sep 2013
UI Branch (PYs)	2,247	2,390	3,463	3,808	3,478	3,078	2,724	2,625
All EPRs (PYs)	1,529	1,608	2,411	2,679	2,438	2,014	1,846	1,772
Field Management Staff (PYs)	198	198	269	287	278	277	233	234
Field Support Staff (PYs)	101	94	117	204	194	130	122	115
Total Field Staff (PYs)	1,828	1,900	2,797	3,170	2,910	2,421	2,201	2,121

Problems with the continuing claims system have caused higher-than-expected overtime costs for EDD, and are exacerbating budget and staffing problems the department was already facing. These problems will likely be a major issue for the Legislature to consider during discussions about the 2014-15 EDD budget.

As part of its budget projections, EDD assumed \$9.5 million in overtime costs for the 2013-14 fiscal year. Due in part to the problems related to the continuing claims system, EDD already had used \$4.8 million in overtime for this year through September. Increased overtime costs have continued in October. The higher overtime costs could impact EDD's budget planning both this year and in 2014-15. The 2013 Budget Act approved by the Legislature included approval of an EDD request to use \$29.7 million from the EDD Contingent Fund to pay for UI Program administration costs. The EDD Contingent Fund is supported by penalty and interest payments from employers who have not been compliant in paying

employment taxes. EDD has traditionally used this fund to support other department programs, and then transferred remaining money to the General Fund.

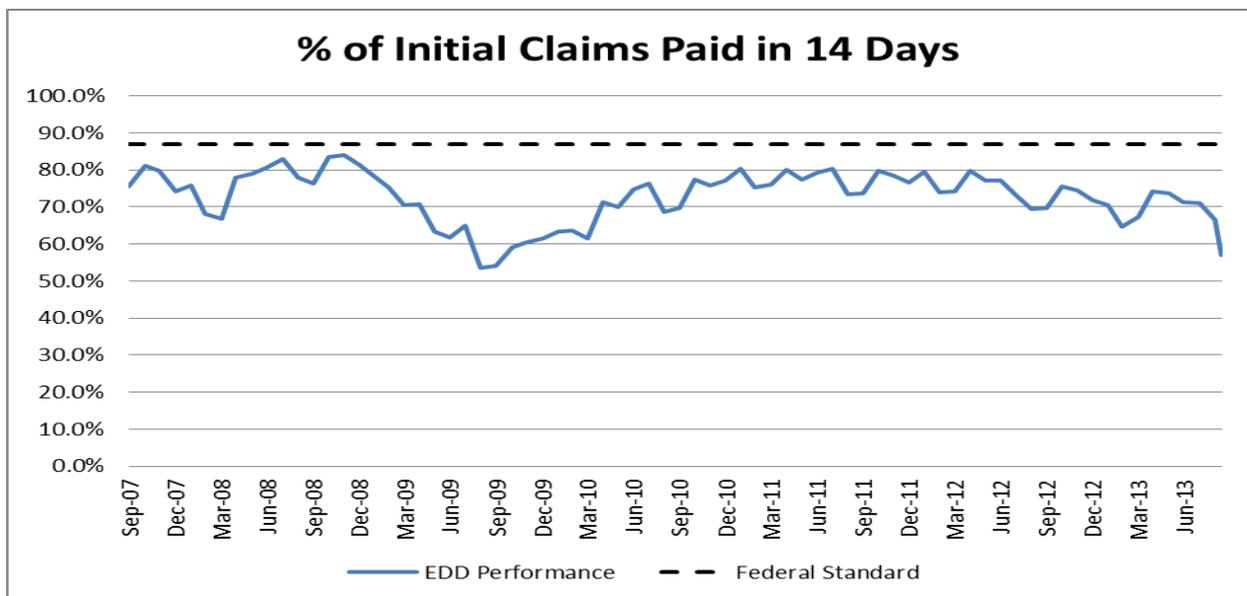
EDD sought to use Contingent Fund monies to cover administrative costs at the end of 2013-14 and the beginning of 2014-15 as federal funding continues to decline. This funding was intended to preserve 297 positions that otherwise would have been lost as federal funding is expected to drop by nearly \$71 million between 2013-14 and 2014-15. The Legislature agreed to the request to help EDD provide adequate services to UI beneficiaries as federal funding drops. In essence, the Legislature agreed to use state funds that could have gone to the General Fund to cover services that should be supported by the federal government.

EDD is now concerned that the money appropriated by the Legislature to cover declining federal support during the next two years will instead be spent on problems associated with the continuing claims system. During budget discussions for the 2014-15 fiscal year, the Legislature may again face pressure to use state funding to both cover dwindling federal support and costs associated with the continuing claims system.

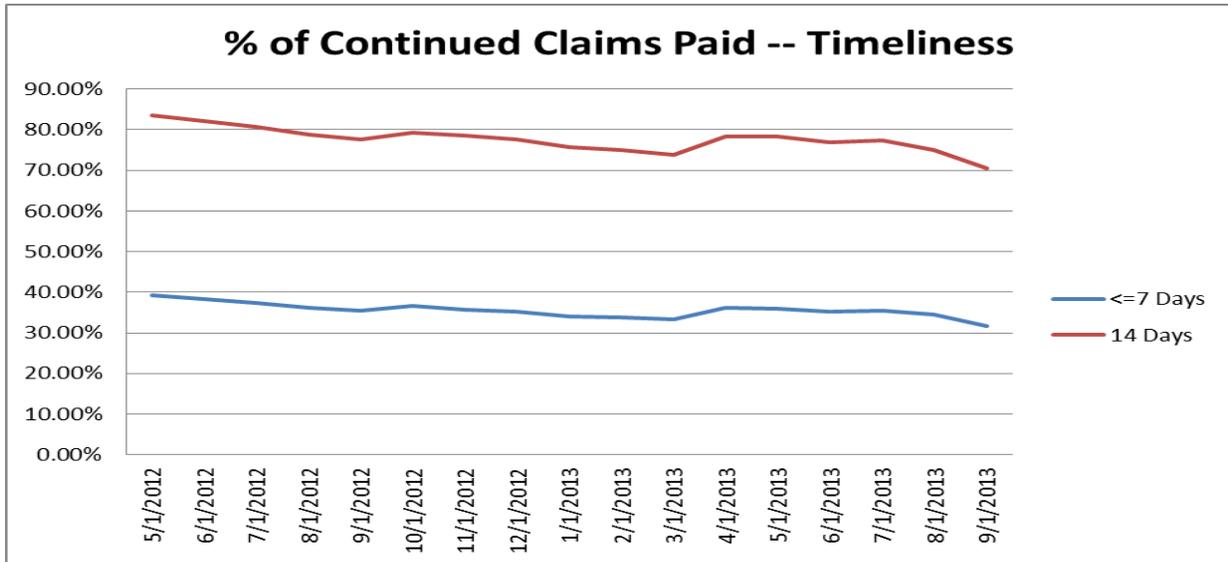
V. EDD WORKLOAD AND PERFORMANCE DATA

EDD UI program performance has fallen across a number of measures in the course of this year. Below are a number of different metrics that show this decline in performance. The data also strongly suggest that the problems deploying CCR have rippled out and are causing backlogs and delays across the UI program.

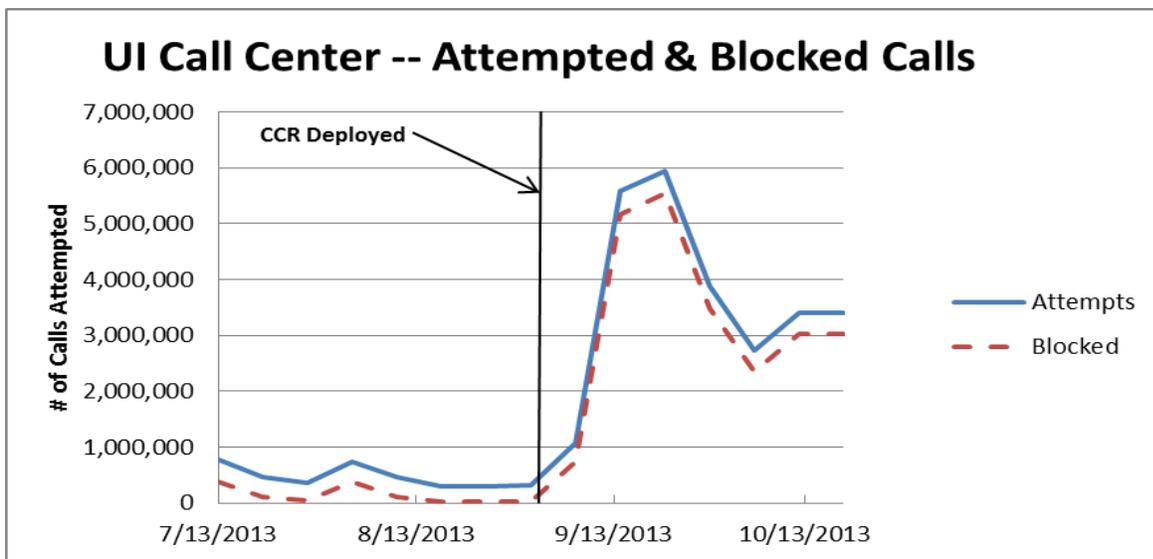
The United States Department of Labor (USDOL) sets a number of performance standards for state UI programs. One of the most commonly cited is the timeliness of issuing the first benefit payment, and EDD has consistently fallen below the federal standard on this measure. The percentage of initial claims paid in 14 days has fallen over 13% since May 2012 and this decline has been accompanied by a 16% drop in the volume of initial claims.



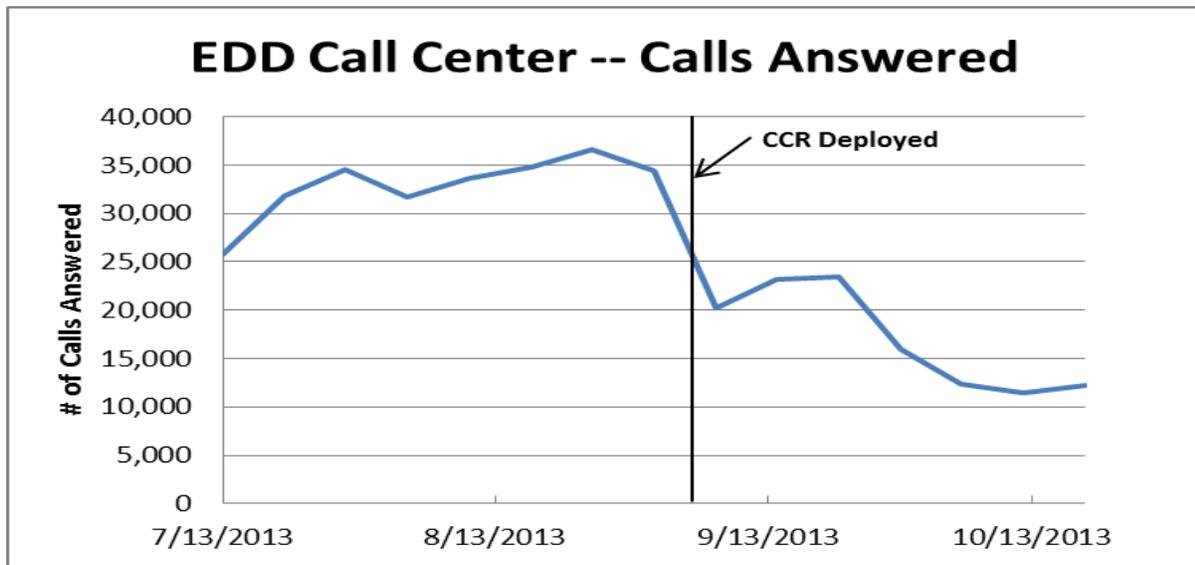
While the USDOL does not include the timeliness of payment for continued claims as a core performance measure, EDD has seen a decline in performance on this measure as well. The percentage of continuing claims paid within 14 days has fallen 13% since May 2012 while the volume of continuing claims has fallen 28% in the same time period.



Another key measure of program performance is the ability of EDD call centers to respond to inquiries. Call attempts and the number of blocked calls were falling notably prior to CCR being deployed. Since then, call volumes have spiked dramatically. This increase in call volume has degraded call center performance significantly and has increased the frustration levels of claimants seeking to solve their UI problems.



At the same time that the volume of incoming (and blocked calls) has spiked, the number of calls answered fell dramatically. The volume of calls answered in the week ending October 19 was 65% lower than the number of calls answered in the last week of August.



All of this has occurred against the backdrop of declining workload in the UI program as the unemployment rate has declined and more and more of the long-term unemployed have exhausted all their UI benefits. The below is data regarding major EDD workload categories in recent years and the significantly increasing number of people who have exhausted all their UI benefits. It is worth noting that federal benefit extensions expire at the end of this year and absent additional federal extensions we will see a dramatic increase in the number of people who have exhausted their UI benefits.

Fiscal Year	2010-11	2011-12	2012-13	2013-14 (est)	2014-15 (est)
Initial Claims	6,899,259	5,743,599	4,807,433	3,670,400	2,751,190
Weeks Claimed	69,629,674	57,696,934	44,905,472	33,798,110	23,708,390
Determinations	1,343,179	1,230,785	1,306,238	1,239,520	1,120,020
Appeals	468,804	445,746	415,203	427,200	344,030

Number of claimants who have exhausted all of their UI benefits:

- As of October 22, 2013: 1,207,000
- As of July 2, 2010: 141,546
- As of July 1, 2011: 462,211
- As of July 2, 2012: 793,809